

Senate File 443 - Reprinted

SENATE FILE 443
BY COMMITTEE ON LOCAL
GOVERNMENT

(SUCCESSOR TO SF 314)

(As Amended and Passed by the Senate March 6, 2023)

A BILL FOR

1 An Act relating to county supervisors, concerning county
2 supervisor representation plans and county supervisor
3 vacancies, and including effective date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 DIVISION I

2 PLAN "THREE" COUNTY SUPERVISOR REPRESENTATION PLANS

3 Section 1. Section 331.206, subsection 2, paragraph a, Code
4 2023, is amended to read as follows:

5 a. The plan used under subsection 1 shall be selected by the
6 board or by a special election as provided in section 331.207.
7 A plan selected by the board shall remain in effect for at
8 least six years and shall only be changed by a special election
9 as provided in section 331.207. However, a county with a
10 population of one hundred twenty-five thousand or more based on
11 the most recent federal decennial census shall use plan "three"
12 for the election of supervisors.

13 Sec. 2. Section 331.207, subsection 6, Code 2023, is amended
14 by striking the subsection.

15 Sec. 3. TRANSITION PROVISION.

16 1. Notwithstanding any provision of law to the contrary, a
17 county with a population of one hundred twenty-five thousand
18 or more based on the most recent federal decennial census that
19 does not use plan "three" for the election of supervisors, as
20 defined in section 331.206, as of the effective date of this
21 Act, shall not be required to elect supervisors using plan
22 "three" until the election for supervisors in 2024, following
23 the adoption of a representation plan drawn pursuant to section
24 331.210A, subsection 2, paragraph "f", and the requirements of
25 this section.

26 2. A county required to adopt a representation plan as
27 provided in this section shall establish a temporary county
28 redistricting commission by the later of thirty days after the
29 effective date of this Act or May 15, 2023, and shall complete
30 a plan, in conformity with the requirements of sections 331.209
31 and 331.210A no later than November 1, 2023. The plan shall
32 be submitted to the state commissioner of elections and shall
33 become effective January 1, 2024.

34 DIVISION II

35 COUNTY SUPERVISOR VACANCIES

1 Sec. 4. Section 43.6, subsection 2, Code 2023, is amended
2 to read as follows:

3 2. When a vacancy occurs in the office of county supervisor
4 or any of the offices listed in [section 39.17](#) and more than
5 seventy days remain in the term of office following the next
6 general election, the office shall be filled for the balance
7 of the unexpired term at that general election unless the
8 vacancy has been filled by a special election called more
9 than seventy-three days before the primary election. If
10 the vacancy occurs more than seventy-three days before the
11 primary election, political party candidates for that office
12 at the next general election shall be nominated at the primary
13 election. ~~If an appointment to fill the vacancy in office is~~
14 ~~made eighty-eight or more days before the primary election and~~
15 ~~a petition requesting a special election has not been received~~
16 ~~within fourteen days after the appointment is made, candidates~~
17 ~~for the office shall be nominated at the primary election.~~

18 Sec. 5. Section 69.14A, subsection 1, Code 2023, is amended
19 by striking the subsection and inserting in lieu thereof the
20 following:

21 1. A vacancy on the board of supervisors shall be filled
22 by special election held to fill the office for the remaining
23 balance of the unexpired term.

24 a. The committee of county officers designated to fill
25 the vacancy in section 69.8 shall call for a special election
26 to fill the vacancy. The committee shall order the special
27 election at the earliest practicable date, but giving at least
28 thirty-two days' notice of the election. A special election
29 called under this section shall be held on a Tuesday and shall
30 not be held on the same day as a school election within the
31 county.

32 b. However, if a vacancy on the board of supervisors
33 occurs after the date of the primary election and more than
34 seventy-three days before the general election, a special
35 election to fill the vacancy shall not be called by the

1 committee. If the term of office in which the vacancy exists
 2 will expire more than seventy days after the general election,
 3 the office shall be listed on the ballot, as "For Board of
 4 Supervisors, To Fill Vacancy". The person elected at the
 5 general election shall assume office as soon as a certificate
 6 of election is issued and the person has qualified by taking
 7 the oath of office. The person shall serve the balance of the
 8 unexpired term.

9 c. If the term of office in which the vacancy exists will
 10 expire within seventy days after the general election, the
 11 person elected to the succeeding term shall also serve the
 12 balance of the unexpired term. The person elected at the
 13 general election shall assume office as soon as a certificate
 14 of election is issued and the person has qualified by taking
 15 the oath of office.

16 Sec. 6. Section 331.201, subsection 3, Code 2023, is amended
 17 to read as follows:

18 3. The office of supervisor is an elective office ~~except~~
 19 ~~that if.~~ If a vacancy occurs on the board, a successor ~~may~~
 20 shall be appointed elected to the unexpired term as provided
 21 in section 69.14A.

22 Sec. 7. Section 331.214, subsection 2, paragraph c, Code
 23 2023, is amended to read as follows:

24 c. If the board declares a vacancy under this subsection and
 25 the remaining balance of the supervisor's unexpired term is two
 26 and one-half years or more, a special election shall be held
 27 to fill the office as provided in section 69.14A, subsection
 28 ~~1, paragraph "c"~~.

29 DIVISION III

30 EFFECTIVE DATE

31 Sec. 8. EFFECTIVE DATE. This Act, being deemed of immediate
 32 importance, takes effect upon enactment.